

REMARKS

The office action of August 21, 2003 has been carefully reviewed and these remarks are responsive thereto. Claims 2-29 remain in this application. Claim 1 has been cancelled. Claims 2-6 and 8 have been amended. Reconsideration and allowance of the instant application are respectfully requested based upon the above amendments and the following arguments.

Statement of Common Ownership

35 U.S.C. § 103(c) states in relevant part:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. § 103(c), *see also* M.P.E.P. § 706.02(l)(1) (stating that this version of § 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999). The present application was filed on December 21, 2000. As a result, the above-quoted statute applies to the present application.

Pursuant to M.P.E.P. § 706.02(l)(1), with respect to *Alanara* (U.S. Pat. No. 6,064,880) the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same person.

CLAIM REJECTIONS

Rejections Based on *Alanara*

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being unpatentable over *Alanara*, U.S. Pat. No. 6,064,880 (hereinafter referred to as *Alanara*). Applicants hereby cancel claim 1, thereby rendering the rejection moot.

Rejections Based on *Alanara* in view of *Linden*

The Office Action rejected claims 2, 3, 18-21, and 27 under 35 U.S.C. § 103(a) as

unpatentable over *Alanara* in view of *Linden et al.*, U.S. Pat. No. 6,549,773 (hereinafter *Linden*). Applicants respectfully traverse.

With respect to claim 2, the office action stated that each of the features described in (now cancelled) claim 1 was present in *Alanara* with the exception of sending encrypted data to a storage area using WAP. The office action further alleged that the step of sending encrypted data to a storage area using WAP was disclosed in *Linden*. The office action further stated that it would have been obvious to one of ordinary skill in the art at the time of invention to combine *Alanara* with *Linden* to produce the method of claim 2.

Applicants have amended claim 2 into independent form that includes each of the features from cancelled base claim 1. Thus, claim 2 has changed in form, but not in substance. As discussed above, *Alanara* has been removed as a 103(a) reference. Thus at least the steps of selecting data within a wireless device for backup in a storage area accessible by the wireless device through the wireless network and encrypting the selected data as recited in the amended claim 2 must be found in some other reference than *Alanara*. *Linden* does not teach backing up data in a wireless network by selecting data within a wireless device for backup in a storage area accessible by the wireless device through the wireless network or encrypting the selected data.

None of the other references cure the deficiencies in *Linden* by teaching at least the step of backing up data in a wireless network by selecting data within a wireless device for backup in a storage area accessible by the wireless device through the wireless network, nor do the other references cited teach the step of encrypting the selected data. As a result, claim 2 is allowable. Claim 3 depends from claim 2. As a result, Applicants submit that claim 3 is allowable as being dependent on an allowable base claim.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Linden*. With respect to claim 18, the office action stated that each of the features described in claim 18 was present in *Alanara* with the exception of a browser that allows a user to select data for backup storage. The office action further alleged that *Linden* teaches a browser that is used in a wireless device to control a user interface. The office action further stated that it would have been obvious to one of ordinary skill in the art at the time of invention to combine *Alanara* with *Linden* to produce the invention claimed in claim 18. As discussed previously,

Alanara has been removed as an 103(a) reference.

Linden alone fails to teach at least a backup module that encrypts selected data and a backup application that sends the encrypted selected data to a storage area that is accessible through a wireless network. None of the other references cure the deficiencies in *Linden*. As a result, claim 18 is allowable over the cited prior art.

Claims 19-21 and 27 depend back to claim 18. Applicants submit that each of these claims is allowable as being dependent from an allowable base claim.

Rejections Based on *Alanara* in view of *Caldwell*

Claims 4, 6-8, 10, 11, 13, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Caldwell et al.*, U.S. Pat. No. 6,421,673 (hereinafter *Caldwell*). Applicants respectfully traverse. Regarding claims 4, 6-8, and 10, these claims are either directly or indirectly dependent on base claim 2 as presently amended. In addition, *Alanara* is now an inapplicable reference. Applicants submit that these claims are allowable as being dependent upon an allowable base claim as discussed above.

With respect to claim 11, the office action stated that *Alanara* teaches accessing backed-up data from a storage area, the backed-up data containing encrypted data being accessible by a wireless client device through a wireless network. The office action conceded that *Alanara* does not teach decrypting downloaded backed-up data, but alleged that *Caldwell* does teach decrypting encrypted data. The office action further alleged that it would have been obvious to one of skill in the art to combine the teachings of *Alanara* with the teachings of *Caldwell* to produce the method claimed in claim 11.

As discussed above, *Alanara* has been removed as an applicable 103(a) reference. *Caldwell* fails to teach or suggest at least downloading backed-up data from a storage area, the backed-up data containing encrypted data and the storage area being accessible by the wireless client device through the wireless network. Neither *Linden* nor any other cited reference cures this deficiency. Accordingly, claim 11 is allowable.

Claims 13, 14, and 16 depend from claim 11. Applicants submit that these claims are also allowable as being dependent upon an allowable base claim.

Rejections Based on *Alanara* in view of *Caldwell* and *Linden*

Claims 9, 12, 15, 22, 24-26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Caldwell* and *Linden*. *Alanara* is inapplicable as discussed above. In addition, with respect to claim 9, Applicants submit that claim 9 is allowable as being dependent upon allowable base claim 2. With respect to claims 12 and 15, Applicants submit that these claims are allowable as being dependent upon allowable base claim 11. With respect to claims 22, 24-26, 28 and 29, Applicants submit that these claims are allowable as being dependent upon allowable base claim 18.

Rejections Based on *Alanara* in view of *Soini*

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Soini et al.*, U.S. Pat. No. 6,445,932 (hereinafter *Soini*). *Alanara* is inapplicable as discussed above. In addition, claim 5 depends from allowable base claim 2. As a result, Applicants submit that claim 5 is allowable over the prior art as being dependent on an allowable base claim.

Rejections Based on *Alanara* in view of *Caldwell* and *Soini*

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Caldwell* and *Soini*. *Alanara* is inapplicable as discussed above. In addition, claim 17 is dependent on allowable independent claim 11. Applicants submit that claim 17 is allowable as being dependent on an allowable base claim.

Rejections Based on *Alanara* in view of *Linden* and *Soini*

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Alanara* in view of *Linden* and *Soini*. *Alanara* is inapplicable as discussed above. In addition, claim 23 depends from allowable independent claim 18. Applicants submit that claim 23 is allowable over the prior art as being dependent on allowable base claim 18.

Application No.: 09/740,960
Amendment dated Nov. 21, 2003
Reply to Office Action of August 21, 2003

Conclusion

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 accordingly.

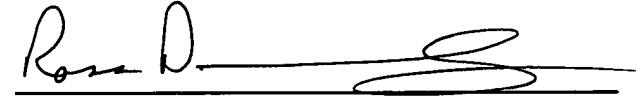
All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November ²⁰
21, 2003

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